

Meeting of 2002-9-24 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 24, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Col. Puckett, Fort Sill Liaison

The meeting was called to order at 6:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: James Hanna, Ward Two

Due to the number of persons present in the audience, Item 29 was considered at this time.

29. Consider action pertaining to annexation of property East of Lawton's existing corporate boundaries.
Exhibits: Agenda Item Commentary of 8/13/02.

Baxter said some constituents who live on the far East side and into the county asked him when Council would either say aye or nay about annexation so he asked that the item be placed back on the agenda.

MOVED by Baxter. SECOND by Ewing-Holmstrom, that we do say nay to annexation to the East of Lawton.

Shanklin said he told many east side residents that Lawton would not be annexing them. He said several county roads were improved with the four cent gasoline tax, of which 80% is paid by Lawton residents but no proceeds are used within the city limits; improvements to the county road to the Wastewater Treatment Plant would be helpful. Shanklin said some county roads are in poor condition and he would not want to have to fix them if they were annexed.

Shanklin said there will be annexation to the east probably within two miles of where we are now. There is a water tower in the middle of nowhere with a 24" line; that happened 20 years ago. Lawton has started a \$45 million expansion to the water treatment plant to meet EPA and DEQ requirements, and water wells may not be usable if very stringent standards are adopted for water supplies.

Shanklin said the full page ad in the newspaper cost about \$1,200, it meant nothing, and he got no calls. He said Lawton is thinking about building a water treatment plant at SE 15th and Coombs and it could accommodate county residents, but if they do not want it, the Council needs to stop it now and he would bring that up because they did not need to spend another \$15 million trying to serve everyone in the area, including those who do not wish to be annexed.

Shanklin said people come from Elgin and Walters at 6:30 a.m. to get to work, and we're trying to create jobs for them, for all of us; trying to provide water, we give you our sales tax and we cannot be that bad. He said we will be annexing from Gore to Lee probably in the next year or year and a half; east side annexation is inevitable for us to survive, especially the central corridor, and if not, the courthouse could be on 82nd Street if we can't balance out Lawton. He said he felt bad that the county residents were against them, and that the City was not their enemy.

Moeller said she represents the far west side and received letters and calls from those on the east and appreciated them, but she wanted everyone to know and acknowledge those considerable number of residents on the west side who called and also oppose the annexation.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None.
MOTION CARRIED.

Larry Holcomb, east side resident, said the democratic process is for the will of the people to be carried out by the governing body, and that means nothing if the will of the people is not given a voice. He thanked east side residents for giving their position a voice. Holcomb said if the governing body is not willing to listen, weigh the facts and make a decision that is in the best interest of the people, the democratic process fails. He said if the Council would have voted against his will, he would have been quick to criticize and complain, and he wanted to be just as quick to thank them for doing the right thing.

*The Mayor and Council recessed from approximately 6:30 to 6:35 p.m. and reconvened with roll call showing all members present except Hanna.

AUDIENCE PARTICIPATION:

Raymond McAlister spoke about upcoming civic events and encouraged participation.

CONSENT AGENDA : Mayor Powell asked that Item 1 be stricken. Separate consideration was requested for Items 4, 14, 17 and 18.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 1, 4, 14, 17 and 18. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Edward and Linda Dzialo. Exhibits: Legal Opinion/Recommendation. THIS ITEM WAS STRICKEN FROM THE AGENDA.

2. Consider the following damage claims recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Southwestern Bell Telephone (two claims); Robert Bigham; James Powers; Joe and Lisa Shoemate; LaVonna Young; and Carolyn Mountain. Exhibits: Legal Opinion/Recommendation.(Seven resolutions on file)

Action: Adoption of resolutions to pay claims as follows: Resolution No. 02-169 for Southwestern Bell claim in the amount of \$806.02; Resolution No. 02-170 for Southwestern Bell claim in the amount of \$705.52; Resolution No. 02-171 for Bigham claim in the amount of \$2,051.78; Resolution No. 02-172 for Powers claim in the amount of \$497.28; Resolution No. 02-173 for Shoemate claim in the amount of \$1,182.56; Resolution No. 02-174 for Young claim in the amount of \$2,000.00; Resolution No. 02-175 for Mountain claim in the amount of \$2,599.24.

3. Consider approval of the Retainer Agreement for Professional Services with Zahl-Ford, Inc. for expert analysis of failed structures at NW 67th Street and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement. Action: Approval.

4. Consider a proposal to change the Water Rate Negotiating Committee to include the Assistant City Manager and to reassign the responsibilities of the Chief Negotiator. Exhibits: None.

Shanklin spoke in favor of the City Attorney remaining as the Chief Negotiator since he has been working on this for a year and a half and has found a way of using economic development to sell water at less than what it costs to produce. He asked the Mayor his opinion. Mayor Powell said he was purposely not on the committee and had always favored the City Attorney acting as legal counsel, rather than as Chief Negotiator, because that is his job, but that he had made no attempt to change that assignment. Shanklin said the committee would determine what the offers would be and the Chief Negotiator would be the spokesman; the committee would remain silent and caucus with the staff on the negotiations.

MOVED by Shanklin, SECOND by Haywood, that we do not change the negotiator on this issue.

SUBSTITUTE MOTION by Devine, SECOND by Ewing-Holmstrom, to use Mr. Larry Mitchell, Assistant City Manager, to do our negotiating.

Devine asked Vincent if felt he should act as legal counsel rather than being on the negotiating team. Vincent said it would be better for him to act as the attorney rather than the chief negotiator, and he needed to attend all of the

meetings. Shanklin asked Vincent if he wanted to remove himself as Chief Negotiator. Vincent said he was not suggesting that and he could function in either capacity, but it is more appropriate for the City Attorney to act as the legal counsel. Shanklin said when Devine mentioned to him that he wanted to remove Vincent, he told him then that he did not know why he wanted to do that and that he did not support it. Shanklin said Devine had been on there for two weeks compared to his year and a half, but Devine thought he knew more about it, which was disturbing. He said if the members want to make Mitchell the Chief Negotiator, he wanted to be off of the negotiating committee and that he could get what he wanted without being there.

Bass said Vincent asked to be taken off at the last Goodyear meeting. Shanklin said Vincent told him he didn't. Vincent said he mentioned at the time the first motion was made and again at the Goodyear meeting the he should function as legal counsel rather than being the spokesperson, but he could function in either capacity and was not shirking that duty.

VOTE ON SUBSTITUTE MOTION: AYE: Bass, Devine, Ewing-Holmstrom, Moeller, Haywood, Baxter. NAY: Shanklin. SUBSTITUTE MOTION CARRIED.

Shanklin told the Mayor to take him off of that committee.

5. Consider declaring the City's outstanding demolition and securing liens against the real property located at 514 NW 58th Street uncollectable by the Comanche County Treasurer, and authorizing the City Attorney to commence a civil action as appropriate: (1) in personam against Jacky Hooks and other necessary parties; and (2) in rem against 514 NW 58th Street, for the recovery of monies expended in the demolition of the structure and mowing of the real property located at 514 NW 58th Street; including in such action the authority to seek the foreclosure of the City's liens on the property and the sale of the property at sheriff sale, if necessary. Exhibits: 9/5/02 letter from County Treasurer. Action: Approve the item as shown in the agenda item title.

6. Consider declaring the City's outstanding mowing and securing liens against the real property located at 404 Dearborn uncollectable by the Comanche County Treasurer, and authorizing the City Attorney to commence a civil action as appropriate: (1) in personam against Robert and Ina Baxter and other necessary parties; and (2) in rem against 404 Dearborn, for the recovery of monies expended in the mowing and securing of the real property located at 404 Dearborn; including in such action the authority to seek the foreclosure of the City's liens on the property and the sale of the property at sheriff sale, if necessary. Exhibits: Letter from County Treasurer. Action: Approve the item as shown in the agenda item title.

7. Consider accepting the McMahon Auditorium (East Side) Drainage Construction Project #2002-14 as constructed by Kent Waller Construction Co. and placing the maintenance bond into effect. Exhibits: None. Action: Accept project and place maintenance bond into effect.

8. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: Annual Progress Report. Action: Authorize the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program.

9. Consider issuing a revocable permit for the use of the Erwin Lane right-of-way adjacent to the building located at 2412 NW Cache Road for maneuvering of vehicles. Exhibits: Application; Site Plan; Proposed Revocable Permit. Action: Issue a revocable permit for the use of the Erwin Lane right-of-way adjacent to 2412 NW Cache Road for maneuvering of vehicles.

10. Consider approving the Replat of Lots 16-19, Block 1, Wolf Creek Addition. Exhibits: Map. Action: Approve the Replat of Lots 16-19, Block 1, Wolf Creek Addition.

11. Consider approving an agreement for the sale of treated water between the City of Lawton and Michael G. Goodin and Tammy G. Goodin, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Action: Approve the agreement and authorize execution of same.

12. Consider approving the Second Amendment to the Cooperative Agreement with the Comanche Tribe of Oklahoma modifying paragraph 7 relating to location of the City's water meters. Exhibits: Letter; Proposed Second Amendment. Action: Approve Second Amendment to Cooperative Agreement with the Comanche Tribe of Oklahoma.

13. Consider authorizing the Mayor and City Clerk to execute a "Release of Easement" document regarding a sewer line located in Lot 1, Block 6, Western Hills Addition, for Mike Scott. Exhibits: None. Action: Approval as shown in agenda item title.

14. Consider approving the purchase of seven parcels of land for the Flower Mound Road (Lee - Gore) Project, authorize the Mayor and City Clerk to execute the Warranty Deeds and authorize payment for the same. Exhibits: None. Recommendation was to approve the purchase and authorize the Mayor and City Clerk to execute the

Warranty Deeds for: Malone - \$8,400; Sullivan - \$2,900; Sullivan - \$1,000; Campbell - \$150; First Baptist East - \$10,775; Lisball Cavan, LLC - Exchange; Banky - \$11,800.

Vincent said First Baptist East should be stricken until their paperwork is returned; the other six properties should be approved.

MOVED by Baxter, SECOND by Devine, to approve Item 14 as stated by the City Attorney.

Bass said Lisball Cavan, LLC is shown as "exchange" and asked what that involved. Vincent said they requested the City put in a turn bay on Gore Boulevard north bound into their property in lieu of being paid the total price for their easement; they will end up paying us some money and this is a good swap. The Clerk asked if Lisball Cavan, LLC was to make payment of money to the City before execution of the documents. Vincent said no, the arrangement will pay in the long run.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

15. Consider approving the Project Impact "Code Plus" Home Rebate Incentive Program subject to approval of the Federal Emergency Management Agency. Exhibits: Code Plus Home Rebate Incentive Program. Action: Approval of item.

16. Consider approving the Project Impact Saferoom Rebate Program subject to approval by the Federal Emergency Management Agency. Exhibits: Saferoom Rebate Program. Action: Approval of item.

17. Consider approving an Agreement between the City of Lawton and Lawton-Fort Sill Habitat for Humanity, Inc. for affordable housing projects and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement in Clerk's Office.

18. Consider approving an Agreement between the City of Lawton and the Housing Authority of the City of Lawton for the administration and operation of an affordable tenant-based rental assistance (TBRA) housing project for very low-income families authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2002 (July 1, 2002 thru June 30, 2003) and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement in Clerk's Office.

Haywood said he requested separate consideration of Items 17 and 18 as he would abstain from voting.

MOVED by Moeller, SECOND by Devine, to approve Items 17 and 18 as recommended. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

19. Consider approving recommendation to officially name the area in Elmer Thomas Park bounded by the Museum of the Great Plains, the Percussive Arts Headquarters and Museum, and the McMahon Auditorium THE CENTENNIAL PLAZA. Exhibits: Letter. Action: Approval as shown in agenda item title.

20. Consider approving request by Debbie Wood, Eisenhower Junior High School, for use of costumes and props used in "Oklahoma Opening". Exhibits: None. Action: Approval.

21. Consider authorizing expenses for Joint Day of Remembrance-Lawton Fort Sill on September 11, 2002, to be paid from Council Contingency Funds. Exhibits: None. Action: Approval of expenditure of \$982.02 from Council Contingency Fund.

22. Consider adopting a resolution approving modifications and revisions to the City's existing pay plan, modifying the personnel schedule of the FY 2002-2003 budget, and declaring an effective date. Exhibits: Resolution No. 02-176.

(Title) Resolution No. 02-176

A resolution approving modifications and revisions to the City's existing classification and pay plan, modifying the personnel schedule of the FY 02-03 budget, and declaring an effective date. (Deletes Legal Assistant, MG-03 and adds Assistant Real Property Administrator, GE-09).

23. Consider adopting a resolution and ratifying the action of the City Manager and City Attorney in approval of the joint petition settlement in the amount of \$12,916.50 for the Workers' Compensation case of Joe E. Joiner in the Workers' Compensation Court, Case No. 2001-13436H. Exhibits: Resolution No. 02-177.

(Title) Resolution No. 02-177

A resolution ratifying the actions of the City Attorney and the City Manager in making payment of the judgment in the Workers' Compensation case of Joe E. Joiner for the amount of Twelve Thousand Nine Hundred Sixteen and

50/100 dollars (\$12,916.50) per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

24. Consider approving the following contract extensions: A) Rental of Cleaning Supplies with Cintas; B) Steel Posts with Allied Tube and Conduit and Vulcan; C) Accidental Death Insurance with Insurance One Agency, Inc. Signs. Exhibits: None.

25. Consider awarding contract for Tactical Body Armor. Exhibits: Memo; Abstract. Action: Award to Skaggs of Oklahoma City.

26. Consider approval of appointment to boards and commissions. Exhibits: Memorandum.

Human Rights & Relations Commission: Charlotte Oxford, Asian Rep., Term: 9/24/02 to 9/30/03; Howard Kuchta, White Rep., Term: 9/24/02 to 9/30/04; Panpaleon L. Herrera, Hispanic Rep., Term: 9/24/02 to 9/30/04.

Lawton Arts & Humanities Council: Diane Formica, Fort Sill Rep., Term: 9/23/02 to 6/30/05

27. Consider approval of payroll for the period of September 16 through 29, 2002.

28. Consider approval of Minutes of Lawton City Council Meeting of September 10, 2002.

BUSINESS ITEMS:

30. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2001, hold a public hearing, receive a briefing on the CAPER, receive input from citizens, and approve the report for submission to HUD. Exhibits: None.

Tom Aplin, Housing and Community Development, gave the briefing which is summarized as follows:

Lawton receives an annual entitlement of CDBG and HOME from HUD, which requires an annual report on program performance. Council members have received the draft plan and presentation slides. Tim Libby was introduced as the new Grants and Fiscal Officer.

Community Development Block Grant Program: Slide reviewed showing amounts under Allocation, Administration and Available for Projects for fiscal years 1996 - 2001. Shanklin asked if more money was received this year than last year and Aplin said amounts were very close.

Slide reviewed showing funds available, FY 2001 expenditures and 7/1/02 Balance for: Administration, Public Services, Park Improvement, Street Improvement, Water and Sewer Improvement, Slum and Blight Removal, Planning and Public Facilities. The 7/1/02 balance shows carry over funds that were already allocated to projects before this year's grant funds were received.

Slide reviewed showing 30 projects were funded, not including administration, and ten were completed during the period. The nine projects under Public Service were completed, but it is not reflected as such because HUD considers them complete only after the final payment is made. The payments on the remainder do not show up in this column, they were not made until after the first of the year.

Slide reviewed showing the Economic Development category including the small business loan fund and the Northside Chamber of Commerce Business Development project. Total funds available were \$83,402, expenditures were \$62,241, and the balance is \$21,161. The Northside Chamber completed the provision of services but the final payment was not made until after the beginning of this fiscal year.

Slides reviewed showing Housing Activities, which began with an available balance of \$732,388. Project categories are: Housing Rehabilitation, Emergency Home Repair, Housing Improvement, Rental Rehabilitation, and Housing Counseling. Expenditures were \$419,469 and the balance of \$312,919 will carry forward for housing activities. 44 households were assisted and expenditures were \$419,468.52.

The most important part of developing this report is completion of the financial summaries, called the GPR, shown in Appendix D of the draft plan. The next slides summarize the HUD standards that apply to this program and show how we stack up against those standards. Funds carried over from the previous year were \$838,030; FFY 2001 Grant was \$1,154,000 and program income was \$30,890, producing total funds available of \$2,022,920. HUD criteria requires 70% of funds benefit low and moderate income families, and Lawton has achieved a 100% rating in this category.

The public service cap is 15% cap and Lawton's expense was 14.9% so it is under 15% for the first time in several years. The method of arriving at figures to determine percentages was explained. There is a 20% cap on administrative costs; expenditures were 17.3% due to loss of a director earlier in the year.

The HUD timeliness criteria states that entitlement jurisdictions should not have more than 1.5 times the amount of their annual entitlement at some point during that year. Lawton's balance was \$860,857, which is only .5 times the entitlement grant so we are doing real well in this category.

Shanklin asked how the \$860,000 in the line of credit can be spent. Aplin said these funds were a part of the proposal that Council approved last May. As projects are conducted, the claims are sent to Financial Services, they wire HUD and HUD sends the money to make the payment; it is all done by computer.

HOME Investment Partnerships Program: Slide reviewed showing amounts of Allocation, Administration Expenditures and Authorized for Projects from Fiscal Year 1996 to 2001. A small amount of funds remain from 1996 and 1997. \$202,212 is available for administration, and \$1,473,383 is available for projects. Funding categories are: Administration, First-Time Homebuyer, Homeowner Rehabilitation, Tenant Based Rental Assistance, Community Housing Development Organization (CHDO) and CHDO Operating Expenses. The slide showed funds available, FY2001 expenditures and 7/1/02 balance for each category and overall balance of \$544,842. There were 27 households assisted at an expenditure of \$231,625.

HUD requires submission of the HOME Annual Performance Report, which is summarized as having a beginning balance of \$517,960. The FFY 2001 grant was \$569,000. FFY 2001 Expenditures were \$271,517. TBRA expenditures were \$47,409. The unexpended balance is \$815,442.

Baker asked if funds in this category should be spent at a faster rate. Aplin said a delay was caused by the problem with the Lawton Urban Homesteading Agency and the first time homebuyer program, but a resolution is very close and the spending rate should then improve.

Aplin said HUD requires a 25% match on the HOME program. Lawton was designated a community in fiscal distress based on poverty levels and overall income so a 50% reduction is granted, meaning the match is 12.5% rather than 25%. Due to past contributions, there is an excess match of \$717,030, as well as \$89,932 in additional match. The match liability for this period is \$28,953, leaving a carry over of \$778,009. This is the second year Lawton has not had to provide matching funds for the HOME program.

HUD requires that HOME program funds be committed to a project or be under contract within two years of receipt. All funds through FFY 2000 have been committed in accordance with HUD's criteria. All HOME funds must be spent within five years of receipt and funds are being expended now from FFY 2000, therefore, all prior year funds have been expended and the criteria has been met.

Slides were reviewed showing combinations of Community Development Projects, Economic Development Projects and Housing Projects. The infrastructure category has a high balance but a construction bid should be awarded at the next Council meeting. Slides are on file in the City Clerk's office.

Bass asked for a review of a slide showing public service projects and Aplin reviewed projects. Baker said he will look at using the slum and blight funding allocation to assist with the condemnation efforts.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Moeller, to approve the report for submission to HUD. AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass, Devine. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

Item 36 was considered at this time.

36. Consider request from Terry Smith with Mid America Lumber Company for the installation of a six inch water line with a fire hydrant to the south side of SW F Avenue located at 1306 SW F Avenue. Exhibits: Letter.

Deborah Jones, Planning, said after the fire at Mid America Lumber and during discussion about reconstruction, an additional fire hydrant was required to serve the facility. There is no water line on the south side of F Avenue, the nearest plug and main are on the north side. Mid America is requesting the City to construct the main to the south side of F Avenue and install a fire hydrant for their facility. Staff recommendation is to consider a cost sharing agreement as has been done on other requests where the City provides the necessary materials for the water line extension and there is some cost sharing with Mid America to provide the labor for the extension.

Shanklin asked the cost. Jerry Ihler, Public Works Director, said \$7,500 to do it in-house, including labor, materials and costs for the line to be bored under F Avenue and for the fire plug. Staff is recommending a cost sharing agreement. Shanklin asked if Ihler had that money in his budget and response was that funds are in the budget where the work could be done; Council Contingency was funded at \$50,000.

Baker said it may be possible to include this in one of the water line construction projects from CIP. He said it is about 900 feet between fire plugs in this location and the City Engineer's study shows there is inadequate fire

protection so you could argue that the City should do something anyway. Baker said the issue is, if the City was going to put the plug in, crews would put it on the north side of the street because it is cheaper and would save the taxpayers money. Mayor Powell said the City is requiring Mid America to put a fire hydrant on the south side of F Avenue, and another one inside their lumber yard. Shanklin said this was done for Felton Dean and Scotts Flowers, and this firm remits a lot of sales tax to the City.

MOVED by Shanklin, SECOND by Baxter, that we fund that.

Mayor Powell said he supported this 100% and he was there the night of the fire when crews had to drag hose for two blocks because no fire hydrant was there.

Baker asked for clarification on the funding source. Shanklin suggested Baker locate an appropriate funding source; Baxter said take it from the CIP first if possible. Bass asked if Mid America would run their own line from the fire hydrant to the back of their building at their cost. Mayor Powell said yes and Mid America did not have any problem with that at all.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

31. Hold public hearings and adopt resolutions declaring the structures at: 1714 Smith Avenue, 6602 NW Euclid Avenue, 2323 NW 35th Street and 1214 (ref 1216) SW A Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution Nos. 02-___, 02-___, 02-___ and 02-___.

1714 NW Smith:

Angie Alltizer, Neighborhood Services, said utilities were terminated at this structure in March 1992. The City has spent \$613.20 in mowing charges for this property. The structure has been unsecured off and on for many months due to vandals and it was unsecured this afternoon. Alltizer said Councilman Hanna told her that several citizens wanted this to be considered and she was told that the house has been vacant for at least ten years. Mayor Powell said it was brought up at the neighborhood meeting in this area.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to put 1714 Smith on demolition and adopt Resolution No. 02-178. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Devine. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-178

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District court to abate such nuisance. Location: 1714 NW Smith Avenue, Military Addition, Block 32, Lot 7. Title Holders: Kenneth Craig. Mortgage Holders: None.

6602 NW Euclid Avenue:

Alltizer said construction ceased approximately two years ago on this house and it has been held up in court until just recently. The City has spent \$445.29 for securing and mowing the property; it is continually unsecured. The owner has attempted to secure it but it has been dealt with a number of times and it is certainly a blight on the community in that area.

Devine asked if Mr. Mansell applied for a permit to remodel. Alltizer said when she spoke with him today he said he had applied, she had not been able to double check that. Devine said it is on your list that they issued a permit that was filed. Alltizer said Mansell told her he had applied, but per Council policy and the office policy, we do not issue permits for structures that are coming before the Council. Devine said he wanted to verify that and that Mr. Mansell had asked him to do that, that he has applied for it and that he will start construction since he just got title to the property on the 10th of this month and he has hired a man to start construction as soon as he gets the permit.

Ewing-Holmstrom asked how long the house had been in this condition. Alltizer said at least two years and Baxter said closer to four. Mayor Powell said there had been an ownership problem. Alltizer said the builder declared bankruptcy and Mr. Mansell is the property owner now as he foreclosed on the builder.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Baxter said this is on the street he lives on, it is a piece of junk and he was tired of looking at it. He said it has decreased the value of all of the houses on the street, and for Mansell to say he has filed for a permit does not mean that he is going to get it and he surely does not have it yet. Baxter said he knew that Mansell bought the property at Sheriff's Sale last month because he was standing there when he bought it so for him to say that he did not receive ownership until the 10th of this month is not true. Baxter said Mansell promised him 63 days ago that within 45 days he would have this taken care of and when the 46th day got here and Mansell did not do anything, he asked Alltizer to bring the property to Council.

MOVED by Baxter, SECOND by Ewing-Holmstrom, that it be put on condemnation and adopt Resolution No. 02-179. AYE: *Shanklin, *Haywood, Baxter, Bass, Ewing-Holmstrom. NAY: Devine, *Moeller.

*Shanklin and Haywood initially abstained and then voted yes. Moeller initially passed and then voted no. Mayor Powell announced the vote as five in favor and two opposed and declared the motion carried.

(Title) Resolution No. 02-179

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District court to abate such nuisance. Location: 6602 NW Euclid Avenue, Willow Tree Patio Home Addition, Block 1, Lot 1. Title Holder: Joe Mack & Sally A. Greenlee; Mortgage Holder: Bob L. Mansell.

2323 NW 35th Street:

Alltizer said a fire occurred here in July causing such significant damage that it cannot be secured in a reasonable manner. Owners are usually given 90 days to settle insurance claims but this is an eminent safety hazard and a blight on that neighborhood so it is brought forward to prompt action from the owner.

Baxter said the new owner closed on September 5 and he is present to speak because he is in the process of filing for a remodeling permit. Bass said he can get the permit even if the house is condemned and suggested Vincent explain the rules for the new owner's benefit. Vincent said the owner will have 15 days to get a remodel permit, which is good for 30 days and then has two 30-day extensions.

PUBLIC HEARING OPENED.

Doug Lowry, 5350 NW Columbia, said he was a Lawton home builder and he purchased the house from Rita Polley on September 5. He said the grass was three foot tall and he cut it, along with trees on this lot, and on surrounding lots at no charge to the owners so they were helping the whole neighborhood by purchasing this house. He said they probably could not finish construction in 90 days. Bass said as long as progress is being made, the Council will give him time to get it done. Shanklin said he can't start on the 85th day and expect help. Lowry said he had already started.

PUBLIC HEARING CLOSED.

MOVED by Bass, SECOND by Devine, to declare the structure dilapidated and adopt Resolution No. 02-180. AYE: Moeller, Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: Baxter. MOTION CARRIED.

Bass said that was nothing against Mr. Lowry and the Council was trying not to pick and chose between the neighborhoods but that Lowry would definitely get a chance to finish the house. Baker said Lowry should understand the Code requires 75% of the work is to be completed in 30 days.

(Title) Resolution No. 02-180

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District court to abate such nuisance. Location: 2323 NW 35th Street, Westwood Number 2 Addition, Block 4, Lot 3. Title Holders: Rita M. Polley; Mortgage Holders: Argo Federal Savings Bank, Century Bank of Tulsa and American Mortgage and Investment.

1214 (ref 1216) SW A Avenue:

Alltizer said this is a single story structure with a current utility account. Staff met with the owner in January 2002 and provided a list of items to be corrected. She said the owner may have been told that no further action would be taken if he would keep it secured and mowed, but that was before the clean up effort started on the dangerous and dilapidated houses where more effort is being placed on bringing them to code and making them look presentable. No action was taken on the list of items.

Ewing-Holmstrom asked if the house was occupied and why it had a utility account. Alltizer said the account may be shared with a two-story structure on the alley and another small structure. Ewing-Holmstrom asked if it has an occupant. Alltizer said no, it has not been occupied for at least three years. Shanklin said it has been boarded up and that meets the criteria; it does not matter if anyone is living there. Ewing-Holmstrom agreed it was a blight on the community.

PUBLIC HEARING OPENED.

Anthony Ferrara, 8105 SW Boatsman Avenue, property owner, said he went through the structure in January 2002 with city inspectors who agreed it was secure and architecturally sound. He said there are four structures on three lots, and this structure has been vacant for years. Ferrara said he was under the impression that it just had to be secured and he did not know that there was a list of items to be done and that nothing had been given to him.

Shanklin asked if Ferrara understood the meaning of "bringing it to code". Ferrara said yes, and he just found that out a couple of days ago because it was pinned on the door; the notice was not received because it was sent to his post office box in Cache. Ewing-Holmstrom asked what was planned for the property. Ferrara said he would reconstruct it as soon as possible. Moeller asked if the work could be accomplished within the time allowed in the permit. Ferrara said it depended on his contractors who are working on several of his properties, and he did not know what was on the list, he was just asked to secure it.

Vincent asked if Ferrara's legal address is P. O. Box 986, Cache, Oklahoma. Ferrara said no. Vincent said that is the address shown at the courthouse. Ferrara said he received the notice yesterday and did not have the opportunity to bring in a contract or anything and only found it on the door. Vincent asked if he confirmed that this is the address on file at the courthouse. Ferrara said he realized it now that Vincent told him. Devine asked if it would be proper to get his legal address now. Mayor Powell said staff could take care of that without Council getting involved in that part.

Baxter said either a list was provided or it wasn't. Alltizer said she had a copy of a letter dated January 11, 2002, addressed to Anthony J. Ferrara at 8105 Boatsman Avenue, Lawton, Oklahoma, as well as a copy to Anthony and Holli Ferrara at P. O. Box 986, Cache, Oklahoma, also dated January 11, 2002; it itemizes a list of things that need to be repaired on the structure at 1214 SW A reference 1216 SW A. The list contains eight items and the letter shows the point of contact as herself or Manny Cruz.

PUBLIC HEARING CLOSED.

Shanklin asked if staff is going to give everyone a list of what they have to do and the time frame allowed; a list provided by an owner may not be sufficient to bring the structure to code. Alltizer said we would like for the property owner to provide the list because it limits the liability on the city staff's part, but the list provided in January should be sufficient. Shanklin asked if staff would not provide a list. Alltizer said they would but if an inspector misses something, it will have to be brought back to Council. Shanklin asked Mitchell to expand on that. Mitchell said the policy reads that the owner provides a list to our building inspector, the building inspector verifies the list and it is used to remodel the structure. The applicant is provided a copy of Chapters 1-7 of the building code to cover the items that may need remodeling. Shanklin said he did not want someone to think they were in compliance when they were not and we have one of those now. Baker said a procedural change is being made so that when the owner gets a permit, even if there is a list, we will include on the permit that the structure has to be brought up to all existing city codes, so we are not going to be held by just that list.

MOVED by Shanklin, SECOND by Baxter, to approve Resolution No. 02-181. AYE: Haywood, Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-181

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District court to abate such nuisance. Location: 1214 SW A Avenue, Reference 1216 SW A Avenue; Butler Addition, Block 5, Lot 10-12. Title Holders: Anthony & Holli S. Ferrara.

32. Hold a public hearing and consider authorizing acceptance of the 2002 Department of Justice Block Grant. Exhibits: Listing of items.

Police Chief Thorne said this is an annual grant and the recommendation is to use it to purchase items shown on the attached list which were not funded in the City's budget.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Baxter, to authorize acceptance of the 2002 Department of Justice Block Grant. AYE:

Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

33. Hold a public hearing and consider an ordinance amending Section 18-6-10-602, Chapter 18, Lawton City Code, 1995, to allow plant nursery and/or garden supply store as a Use Permitted on Review in C-3 (Planned Community Shopping Center District). Exhibits: Ord. 02-39.

Jones said this code provision was approved in 1983 but during the 1985 codification process, it was inadvertently omitted so this is a housekeeping item to correct that omission. The CPC held a public hearing and recommends approval of the ordinance. Shanklin asked what prompted us to look at it. Jones said often it is a phone call and it can be real estate search agent looking at properties and asking about the zoning and uses allowed in a particular zone.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Moeller, to approve Ordinance No. 02-39.

(Title read aloud) Ordinance No. 02-39

An ordinance pertaining to zoning, amending Section 18-602, Article 6, Chapter 18, Lawton City Code, 1995, adding plant nursery and/or garden supply store as a Use Permitted on Review in C-3 (Planned Community Shopping Center District) and providing for severability.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Bass, Devine, Ewing-Holmstrom. NAY: None. OUT: Baxter. MOTION CARRIED.

34. Consider granting a 30-day extension to the reconstruction permit for 425 S Sheridan Road. Exhibits: None.

Alltizer said this is the last 30-day extension to the remodel permit for 425 S Sheridan. The owner has made some progress at least on the exterior appearance of the structure; there may be some confusion on replacing the roof, because when she brought the structure she was talking about the entire physical structure, not merely the street or mailing address so there is some work that still needs to be completed on the north side of the building and she hoped the owner could accomplish it in the last extension. Mayor Powell said the owner is aware of that and Alltizer agreed.

Ewing-Holmstrom asked what happens if he does not, since this is the last 30 day extension. Alltizer said the resolution and code read that he has seven days to obtain a demolition permit and if that is not done then we can commence litigation in District Court or demolish the structure and attempt to recover those costs. Alltizer said she anticipated the owner would complete the necessary repairs within the next 30 days. Ewing-Holmstrom said she did not want to see this structure back, she had not even been on the City Council for six months and this is the third time it has been brought up.

Shanklin asked if inspectors had looked at what progress had been made. Alltizer said she, Jimmy Crow, and Manny Cruz have been there and Cruz inspected the property today from the exterior. She said because this is a commercial structure, Council allowed the property owner to merely make more exterior repairs and not bring the plumbing and electrical and such things up to code until he had a tenant for the structure. Shanklin asked about the roof. Alltizer said the roof definitely needs some work. Mayor Powell asked if they were talking about where it had been blown off on the north side. Alltizer said yes. Ewing-Holmstrom asked if there was any utility service to this building. Alltizer said no.

Bass asked if Alltizer said that the Council said it was OK for him not to bring the plumbing or interior up to code until he has a tenant, did we say that on the Council floor. Ewing-Holmstrom said she did not remember that and if that is the case, they needed to change it. Shanklin said he did not say it. Bass asked when the Council said that. Alltizer said she believed it was in a meeting with a few members of Council, the City Manager and Dan Tucker, former director of Building Development, when she was directed by Council to provide an itemized list of things that needed to be addressed to actually take it off of the list. Bass said Alltizer was not saying the City Council said that, but was saying somebody else said that. Alltizer said the City Council directed her to provide a list and then at that time when they met with the property owner, she was directed, or it was agreed upon that the property owner did not have to bring mechanical or plumbing or electrical up to code until he had a tenant because it was a commercial structure. Ewing-Holmstrom said it will sit there forever, no one will rent it without water or electric.

Devine said when this was brought up we talked about how you can take a piece of commercial property not knowing what that property is going to be used for it would be hard to bring it up to code if you did not know whether it was going to be a bar, a club, a laundromat or whatever so it was kind of hard to just say yes, you have to bring it up to all the codes because how do you know what kind of business is going in, that was the question that was brought before the Council. Alltizer agreed. Devine said at that time it just kind of went into limbo that we would not require that for that point as long as it was secure and safe. Alltizer agreed and added as long as the exterior appearance was improved. Bass asked if the code states that the interior of commercial properties do not

have to be brought up to code until the owner has a tenant. Altizer said no, it was the Council desire, the direction she received at the time.

Devine said it was discussed but how can you make someone bring commercial property up to code when each application they want to put in has different standards of code; how can you predict what you will rent that building for until you have a tenant. On Cache Road a new structure is going in, it is sitting there as a frame and they have done nothing to the interior, and how do they know what will go in to know what kind of plumbing was needed or how much electricity or what kind of fire protection would be needed.

Mayor Powell asked if the building was not required to have a set of plans to address that. Devine said you have a set of plans but not a total, finished structure.

MOVED by Devine, SECOND by Bass, to go ahead and give him the extension since they have recommended to give him the additional 30 days. AYE: Moeller, Haywood, Bass, Devine. NAY: Ewing-Holmstrom. ABSTAIN: Shanklin. OUT: Baxter. MOTION CARRIED.

Shanklin said we are getting in trouble with our D & D when we go around different things to let people continue keeping it just like it is. Ewing-Holmstrom agreed.

35. Consider adopting a resolution to make payment of the tort claim of Chad and Tisha Rother in the amount of \$2,530.00. Exhibits: Legal Opinions/Recommendations; Resolution 02-182.

Bass said he missed the meeting two weeks ago and his concern was in trying to explain the natural flow of the surface rainfall being through the claimant's real property from his back yard, around the sides of the house and into the street. He said the information states "grassing placed on both sides" and asked what that meant. Ihler said the vacant lot is supposed to be graded such that it has a little swale that the flow of water comes through the back yard and flows from the back around to the front. Ihler said it is our opinion that in this instance, when the house was constructed or afterward, someone put the topsoil, sod or grass in at such a level that there was no swale; there is topsoil, grass and landscaping up to the southwest corner of the foundation so the only place for the water to come through is into the weep holes.

Bass said 90% of the population has grassing and fences around their yards so it might be that the grade was not steep enough when the subdivision was built for the water to run off after they put in grass and that might be the reason the house is flooding. Ihler said the record plat shows what the elevation was supposed to be at the corner of the house and then parts of the swale on the side of the house were to be about a half a foot lower than the elevation of the foundation and its' not there, it's been filled in.

MOVED by Bass, SECOND by Shanklin, to approve to pay these people and pass the resolution. AYE: Haywood, Bass, Shanklin, Moeller. NAY: *Devine, Ewing-Holmstrom. OUT: Baxter.

Devine changed his vote to yes before the outcome was announced. Mayor Powell announced the vote count as five in favor and one opposed and that the motion carried.

(Title) Resolution No. 02-182

A resolution authorizing and directing the City Attorney to assist Chad M. and Tisha L. Rother in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Five Hundred Thirty Dollars (\$2,530.00).

37. Consider a request from Edna Hennessee for an ingress-egress easement on City property located in the Southeast Quarter of Section 6, Township 1 North, Range 11 West, and take action as necessary. Exhibits: Letter.

Vincent said Cosmetic Specialty Labs requested an access easement across this site known as the Haggard Plant site. The property has a 99 year lease to the Lawton Industrial Foundation. Council's approval would be contingent upon approval of the Lawton Industrial Foundation.

MOVED by Devine, SECOND by Haywood, to grant this easement with one contingency that it does have to be approved by the Lawton Industrial Foundation. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

38. Consider a request from Mr. and Mrs. Douglas Shilling for the sale of treated water and sewer to service a residence and commercial building located at the southeast corner of Tennessee and SW 38th Streets, and provide direction to staff. Exhibits: Letter of Request; General Location Map; Council Policy 5-2.

Vincent said the request was changed for a commercial building only and construction is underway. The site is in Wedgewood Addition, which is outside the City limits, and the item requests Council direction on whether a

contract should be drafted. Discussion was held on recent annexations, which did not include Wedgewood Addition.

Shanklin asked if this business could operate without paying City sales tax and be in competition against businesses in the City limits who are paying that tax. Discussion was held on sales tax requirements and points of delivery of merchandise. Vincent said he did not know the answer to Shanklin's question.

MOVED by Shanklin, that this item be tabled for 30 days with staff bringing us back a plan to annex and to find out whether or not they don't have to pay the same taxes that their competitors that live in the City of Lawton have to pay.

Mayor Powell said those who do pump service at his store, regardless of where they come from, they charge whatever the rate is in the City limits of Lawton for their parts. Shanklin said Lawton has a use tax but you need to know if they are getting a break by not having to pay that 3-1/2%.

SECOND by Bass to Shanklin's motion.

VOTE ON MOTION: AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

39. Receive a verbal and written presentation concerning findings from the Youth Services Questionnaire distributed in August by the Youth Services Division of the Parks & Recreation Department. Exhibits: Copy of Youth Services Questionnaire and summary of results.

Kerri Hobbs, Youth Services Coordinator, said in an attempt to learn if Lawton is providing the desired services for youth, she distributed 15,000 copies of a four-question survey to all of the Lawton Public Schools and to the private schools in the area; 10%, or 1,500, were returned. Currently offered services, such as sports and the new Skate Park were very popular. Services of dance classes and some mentoring programs were requested and Hobbs is looking into starting a Big Brothers and Big Sisters program. Programs requested but not currently offered were music, teaching musical instruments, singing lessons, dance classes, community concerts in the park; other more common requests were water parks, more pools, dance clubs for teenagers and youth centers containing a dance hall, arcade; several youth wanted to be part of a community clean up crew.

Hobbs said a meeting is planned for October 15 with youth service leaders, school administrators, youth ministers and others concerned with youth programs to give them the results and see if any of them would be interested in starting youth programs based on these results.

Mayor Powell said Kerri is doing a great job and making a lot of contacts, has given reports to numerous groups and individuals throughout the Lawton-Fort Sill community; also she is now working with the Teen Council of the Lawton Public Schools and really doing a multitude of things and we appreciate that.

Ewing-Holmstrom said it was an interesting note that only 10% of the surveys were returned because the parents had an opportunity to voice their opinions in that manner and she was sorry more did not do so. Hobbs said it was disappointing but it was a good variety of teenagers, parents and elementary school students. Mayor Powell said we are just starting this and people have to be educated that there is someone out there trying to help them, and certain corporate businesses are placing announcements in the paper of things that are happening for the youth. Moeller said she had spoken with a man who was willing to give accordion lessons and Hobbs will check into that.

40. Consider approval for Youth Services Division to pursue a technical assistance opportunity from the National League of Cities Institute for Youth, Education and Families and the MetLife Foundation Youth-City Connection. Exhibits: Copy of NLC's Request for Proposals.

Mayor Powell said 2,500 kids participated in National Kids Day and it was a fantastic event.

Hobbs said she would like to submit a proposal to the National League of Cities for a technical assistance project they are sponsoring; ten cities will be selected to participate. It is not really a grant because there is not a whole lot of money involved, but the technical assistance would bring professionals from other communities who are doing youth promotion projects to talk to us about how to involve youth more in the community, in local government, in community boards and things like that. There would also be conference calls and some representatives from the community to attend a national meeting to learn more about promoting youth in the community. Hobbs said what is involved in that as far as the City is concerned is, the Institute would reimburse the City for three representatives to go to this national conference but that would have to be paid by the City up front, reimbursed later, and support would also be needed from the City Council and from the Mayor by way of letters for her to pursue this.

MOVED by Haywood, SECOND by Baxter, for approval. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

41. Consider an ordinance amending Chapter 23, Section 544-5, Lawton City Code, 1995, by restricting cruising

by motor vehicles or bicycles on public streets, and declaring an emergency. Exhibits: Ordinance No. 02-40.

Mayor Powell said this has nothing to do with motor clubs that like to drive around and show their vehicles off. This is intended to help address a huge problem in our city. Police Chief Thorne said a solution is being sought to problems in neighborhoods, especially the zone one project where there is an excessive amount of vehicular traffic for the purpose of prostitution, securing narcotics from vendors, and that was the intent of the proposal of this ordinance. Thorne said he would not recommend this be used on a major or arterial street, but it would be a valuable tool in a residential area that is plagued by repeat traffic.

Moeller asked why bicycles were included. Thorne said quite a bit of activity occurs on bicycles, and as enforcement occurs, people adapt; many citations were issued in that area and criminals could be vulnerable in vehicles so bicycles are often used to avoid detection by enforcement efforts.

Moeller said this is not necessarily to infringe on people's right, and someone mentioned driving through Wayne's, but it gives you an open door to enforce it in problem areas. Thorne said it would not apply to area residents, persons in the area for business reasons or visiting someone; it would apply to persons passing traffic points numerous times without an obvious purpose. Thorne said he would not recommend an ordinance like this be used on Sheridan Road, Cache Road, areas where business is conducted on a daily basis, and in his past he had been known to drive through Wayne's several times.

Moeller said she received one call opposing this because it is infringing on their public rights, but what we need it for is viable. Thorne said any area that would be identified would be up to the Council to determine whether or not it should be posted.

Bass said a lot of people are thinking that the police will overstep their boundaries, like the kids driving down Sheridan Road, parking at Wal-Mart or whatever, that it would be a no cruising zone area. He asked if Thorne could explain that he was not going to go out just to get those kids that are cruising around at night. Thorne said he would not have the authority to post an area as a no cruising zone, only the Council would have that authority and he would not recommend that Sheridan Road be a no cruising zone.

Bass asked how big of an area can be posted. Thorne said it would have to be determined and normally it would be several streets or a locale, it would have to be clearly posted so people would know when they entered a no cruising area, also they would have to be contacted by law enforcement and advised that they are in violation, their information would be recorded at that time, a warning so to speak, so the first time a person went through there, they would not be cited.

Devine suggested the reasons for cruising could be specified, such as soliciting for prostitution or drugs since we are wanting to use this against those activities. Mayor Powell said this is an attempt to help the Police Chief clean up Lawton with the drugs and prostitution in a described area that we all know about, that is the only intent of this. Vincent said Section 2, A, says the areas must be designated by Council by resolution. Thorne said he would only recommend that this be used in a high crime area that has been determined by calls from residents, observations by the police, etc.

Trent Dockstetter thanked the police for their efforts and said his business, High Tech Offices at 1805 Cache Road, is right in the middle of zone one where prostitution and drugs are bad. He said he realized the intent of this but felt it leaves a potential that maybe is wrong. The Pledge of Allegiance says for liberty and justice for all, and this not a homeland security issue. It is not the only thing that can be done to prevent this type of activity. Some cities put potential johns on TV when they arrest them. He said he understood the intent and 30 years ago, states passed laws requiring probable cause to pull someone over and it was just because of a few cases of the abuse of power, and that potential is here.

Dockstetter said he did not feel we had the right to say who had public access to the roads. He said it was written in the newspaper that someone would be in violation if they passed one of these points within a four hour period, the second time they passed in a four hour period, they could be pulled over and written a summons. Dockstetter said it would not be fair to area residents to suffer the embarrassment of being stopped and questioned, and receive a citation if they go by another couple of times. He said he was a middle age, white male and does not get hassled by the police, and he was not saying anything against them, but he felt it left a way for people to be profiled by race or ethnic background, totally empowering the police to harass undesirable elements, it is up to them to decide who they are going to try to run off. He said the price of liberty and freedom is tough but he sat here for the whole evening, he was hungry, has a daughter at home, his wife is out of town, it is a personal thing he felt in his heart that is wrong.

Shanklin said he understood the man's comments, but it will be in a specific area. He said Baker should see every ticket that is issued on that type of thing so there will not be complaints such as profiling or people who live there and go to the store four or five times, and if you could see that, we could eliminate that problem. Shanklin said he saw the need for the ordinance.

MOVED by Shanklin, SECOND by Devine, to approve Ordinance No. 02-40 with the emergency.

(Title read aloud) Ordinance No. 02-40

An ordinance pertaining to cruising on public streets, creating Section 544, Article 5, Chapter 23, Lawton City Code, 1995, providing for codification, and declaring an emergency.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Baxter. NAY: Bass. ABSTAIN: *Haywood.

Mayor Powell announced the result of the vote. Vincent said the ordinance was approved but the emergency did not pass. Haywood said he would change his vote to yes. Baker said they anticipated bringing a resolution at the next meeting to designate a cruise area.

Ewing-Holmstrom said this is not going to ban the Wayne's Drive In cruising, the Wal-Mart cruising, and residents needed to know that. Mayor Powell said the full intent of this, which all of you know very well, is the problem we have in a described area and the police are begging for your help and thankfully you have granted it but it has nothing to do with car clubs or children driving to some drive-in or him going to the grocery store four times. He said he hoped we could place enough faith and trust in our men in uniform to do that and not pick out some person they might have a distaste for and pull them over. Shanklin said that can happen. Mayor Powell said when it does it is turned in to his office and he turns it in to Baker and he asks for an investigation and we have got one going on right now.

Haywood asked what the vote was. Mayor Powell said the vote was six to one. Moeller asked if the vote was changed after the vote was announced and is that a legal vote or do we need to re-vote it. Vincent said the parliamentary procedure requires that one of the members request reconsideration that voted affirmatively would be the correct way to do it.

MOVED by Moeller, SECOND by Baxter, for reconsideration to make it legal. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: Bass. MOTION CARRIED.

42. Consider an ordinance amending Residential Sales, Section 7-20-1-2007 Intervals Between Sales. Exhibits: Ordinance No. 02-41.

Ewing-Holmstrom said residents can have a garage sale once every three months and the winter time is not a good time to do that. She suggested the ordinance be adopted to allow to four garage sales in a twelve month period rather than one every three months. Shanklin said this would allow a garage sale to go on for 12 days, and the current ordinance corrected that about three years ago. Vincent said if you do not have a mandatory break between the dates, it could happen. Devine suggested a 30-day interval be included. Shanklin said you could have four in a year but you have to have them at least 30 days apart. Ewing-Holmstrom asked that the ordinance be amended with that requirement.

MOVED by Ewing-Holmstrom, SECOND by Devine, to change this to four times a year with 30 day intervals and adopt Ordinance No. 02-41.

(Title read aloud) Ordinance No. 02-41

An ordinance amending residential sales, Section 7-20-1-2007, intervals between sales.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

43. Consider an ordinance pertaining to library fees and charges, amending Section 5-331, Article 3, Chapter 2, Lawton City Code, 1995, authorizing the Library Board to recommend to the Lawton City Council to impose fines or suitable penalties for loss of, failure to return, or damage to library materials and to set fees for library services and declaring an emergency. Exhibits: Ordinance No. 02-42.

MOVED by Moeller, SECOND by Baxter, to adopt Ordinance No. 02-42 and declare an emergency.

Haywood asked if they were anticipating setting fees for library services. Marion Donaldson, Librarian, said we have a schedule of fees but when the Library Board and staff wanted to increase some of them we discovered that they are not in the City Code, so the City Attorney advised that an ordinance was needed to amend the City Code to include the fines and fees. She said on the fines they were operating from a 1979 administrative policy and the code change allows the Library Board to bring back recommendations to the City Council.

(Title read aloud) Ordinance No. 02-42

An ordinance pertaining to library fees and charges, amending Section 5-331, Article 3, Chapter 2, Lawton City Code, 1995, authorizing the Library Board to recommend to the Lawton City Council to impose fines or suitable

penalties for loss of, failure to return, or damage to library materials and to set fees for library services and declaring an emergency.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Devine. NAY: None. MOTION CARRIED.

ADDENDUM: 1. Consideration and approval of Grant Agreement for the Lawton Fort Sill Regional Airport - Grant Amount \$720,000. Exhibits: None.

MOVED by Baxter, SECOND by Moeller, to approve the grant agreement. AYE: Moeller, Baxter, Bass, Devine, Ewing-Holmstrom. NAY: None. ABSTAIN: Shanklin, Haywood. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Puckett said from 30 September to 4 October there will be a large number of senior leaders from across the Army at Fort Sill for the Senior Fire Support Conference, which is an annual event where the leadership reviews the artillery doctrine, new technology and where the artillery needs to go in the future. It was not held last year due to 9/11 restrictions but it is coming back and you may see fairly large groups going through Lawton next week, which is good for the City. Col. Puckett said on 4 and 5 October there will be the Fort Sill Oktoberfest, and everyone is invited.

Baxter said this weekend is the International Festival at the Library Plaza and encouraged attendance.

Shanklin said Fall Clean Up begins on Monday for two weeks. He said Neighborhood Services is putting tags on doors for visible violations of junk cars, high grass, weeds, unsecured structures. He suggested the Solid Waste foremen tag doors where alleys are obstructed by tree limbs and bushes to nicely ask residents to take action, and 80% probably would, and then say it is subject to a fine if unabated.

Shanklin said he understood we had three or four people go to Goodyear this morning to negotiate our water and wanted to hear their report. Devine said there was no negotiation today in any form or fashion; we asked to go out and see what comments they had on Black & Veatch, they did that and it was very informative, and there was no consideration even made toward any kind of rate whatsoever in his view. Shanklin said he just wanted to know, he did not get invited or know anything about it so he did not need to be on there and he would watch them and get them.

Haywood said he is on many boards and was not able to vote to accept grant money for the Airport and asked the City Attorney why that was his ruling. Vincent suggested Haywood visit with him in his office. Haywood said the Airport had its Annual Certification and Safety Inspection on August 13 and 14, and the Airport was in compliance with the FAA regulations. He said the Fire Department was an important part of that compliance and he commended them for that work.

Ewing-Holmstrom thanked Larry Mitchell, Jerry Ihler, Deborah Jones, Julie Sanders and Ram Ramashandra for the successful Ward 4 meeting last Thursday, they did a fantastic job and thank them for going the extra mile. She said the Cops and Kids Picnic was a great success and everyone who helped should be commended; the event has become so large that it has to be held at McMahon Park.

Baker said you may have been reading in the newspaper about several agencies that are having financial difficulties and Council had asked him a few times since the start of the fiscal year what our financial situation is. He said Dr. Ross at Cameron said the sky is not falling; he said he was saying that maybe the sky is falling as far as our financial situation. Baker said he wanted to go ahead and raise that red flag this evening and tell you that it is not looking too good. The Finance Director is preparing an interim report that will be sent through the City Manager to the Council within the next few days. The sales tax is down approximately 2% for the year, we did not sell as much water as we had hoped to, water sales were significantly down; the carry over is substantially less than our latest projection was and he got that number just yesterday, so when you combine all of those things, we are looking at a rather difficult budget situation. Baker said the report will be sent and a formal report will be given at the second meeting in October, the Finance Director will give an oral briefing on the City's financial condition as of the end of the first quarter. Baker said there are things he would need to do prior to the second meeting in October to cut expenditures and he would be coming back to Council on some of those things.

Baker said Council was interested in looking at the vacancy adjustment issue and staff has been working on that. A meeting was held with the Lawton Apartment Owners Association and they asked for an opportunity to come back to the Council with a compromise that would satisfy our need for additional revenues and also not totally alienate their group, so we did agree after checking with the initiators of this item, to defer this to the second meeting in October to give them a chance to do that, but we cannot defer that any longer because we included \$175,000 to balance the budget and with almost the first quarter gone, significant revenue needs to be generated. Mayor Powell said that 30 days was acceptable by them.

Baker said Chief Thorne had prepared a report on staffing levels at the Lawton Police Department and he was to brief on it this evening but it will be done at the next meeting due to the large agenda tonight.

Mitchell said he attended the OML Conference last week and at their Annual Business Meeting last Thursday they adopted the legislative schedule and list of bills they would support this year, and our bill is on that list so it would go before the State Legislature to amend the State Statutes regarding our abatement process and collection of liens.

Haywood said the Ward 7 residents agree with the selection of Chief Thorne as Police Chief.

Mayor Powell said the lack of money seems to be prevalent throughout the country and he did not want Lawton to join in that group yet, we are not there yet. He said he talked to Mike Austin today at the Chamber about having a "Buy Lawton" push to help increase the sales tax and that will happen. He said we need to work on some positive things around this City and maybe have some good things happen. Mayor Powell said if we do not get help on state education then somebody needs to look at who is representing them, that is not fair to our students and our children in the Lawton-Fort Sill community and we can do something about it.

Mayor Powell said he got a letter from Retired General Stricklin regarding the Mayor's Task Force Clean Up Group; he is asking some things and every Councilmember was sent a copy of the letter and asked if anyone did not get it. He said he hoped they had read it and would support it, and if they were not going to support it, they needed to let him know right now and that committee will be dissolved because if you are not going to support them, then they cannot do the task they set out to do.

BUSINESS ITEM:

44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a possible settlement in the pending lawsuit of James Eddie Phillips, et al. vs. George Stuever, et al., Case No. CJ-98-716, and take appropriate action in open session.

45. Pursuant to Section 307B.5, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers' Compensation claim of Vee S. Morales against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Baxter, SECOND by Moeller, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Moeller, Haywood, Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:54 p.m. and reconvened in regular, open session at approximately 8:58 p.m. with roll call reflecting all members present except Hanna.

Vincent reported on Item 44 by reading the agenda item title and stating that executive session was held. He said staff presented a settlement offer in which the City would get \$2,117.13 and waive attorney fees, and he recommended approval.

MOVED by Devine, SECOND by Baxter, to approve as stated by the City Attorney. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Vincent reported on Item 45 by reading the agenda item title and stating that executive session was held. He said they reviewed the workers' compensation claim, Mr. Morales filed a third party lawsuit against the party that caused the injuries to him, the City has been offered a settlement of \$3,000 out of a possible maximum of \$10,000 and the City Attorney's office recommends accepting the \$3,000.

MOVED by Devine, SECOND by Baxter, to approve as stated by the City Attorney. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.